

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

)
DOUGLAS DEES,)
Plaintiff,) Case No.: 3:02-cv-00303-HDM-WGC
)
vs.) MINUTES OF COURT
HELMUTH T. BILLY, M.D.,)
Defendant.) May 17, 2012
/

PROCEEDINGS: JURY TRIAL - DAY FOUR

PRESENT:

THE HONORABLE HOWARD D. McKIBBEN, SENIOR U.S. DISTRICT JUDGE

Deputy Clerk: Paris Rich Reporter: Kathryn French

Counsel for Plaintiff: Carl Hebert, Esq.

Counsel for Defendant: Patricia Daehnke, Esq. and Linda Rurangirwa, Esq.

At 8:00 a.m., the Court convenes.

Carl Hebert, Esq., is present with the Plaintiff Douglas Dees.

Patricia Daehnke, Esq. and Linda Rurangirwa, Esq. are present with the Defendant Helmuth T. Billy, M.D.

The Court and counsel discuss the proposed jury instructions and verdict forms off the record.

At 8:28 a.m., the Court stands at recess.

At 8:38 a.m., the Court reconvenes off the record to further discuss revisions to the proposed jury instructions and verdict forms.

At 8:43 a.m., the Court goes back on the record.

Mr. Hebert recites objection to Jury Instruction No. 10. The Court states Jury Instruction No. 10 is a pattern Nevada instruction and shall remain.

Ms. Daehnke recites no objection to the proposed jury instructions as provided.

IT IS ORDERED, the Plaintiff's offered Jury Instruction as to "duty" is rejected by the Court and filed with the clerk.

DEES v. BILLY, M.D.
Case No. 3:02-cv-00303-HDM-WGC

May 17, 2012
Page 2 of 3

Counsel stipulate the Jury Instructions have been settled in open Court.

The Court and counsel address the proposed verdict forms. Counsel stipulate that in the event of a Plaintiff verdict, any interest on the amount of past pain and suffering shall be calculated from May 23, 2002.

At 8:47 a.m., the jury enters the courtroom.

The Court instructs the jury.

At 9:04 a.m., Mr. Hebert presents closing argument on behalf of the Plaintiff.

Ms. Daehnke begins with closing argument on behalf of the Defendant.

At 10:10 a.m., the jury is admonished and excused. The Court stands at recess.

At 10:31 a.m., the jury enters the courtroom.

Ms. Daehnke continues with closing argument on behalf of the Defendant.

Mr. Hebert presents rebuttal argument.

Court Security Officers Phil Beers and Frank Brown are sworn by the Courtroom Clerk to take charge of the jury.

At 11:11 a.m., the jury retires to deliberate.

Outside the presence of the jury, the Court reconvenes to discuss the Court's procedure of addressing any jury notes.

At 11:13 a.m., the Court stands at recess subject to call of the jury. If not contacted by the Court earlier, counsel is directed to return to the courtroom at 4:45 p.m. this date.

At 1:06 p.m., the Court reconvenes.

Ms. Daehnke and Mr. Hebert are present telephonically on behalf of the parties.

The Court addresses a note from the jury, and counsel stipulate to the Court's response as set forth in Supplemental Jury Instruction No. 1.

At 1:07 p.m., the Court stands at recess subject to call of the jury.

At 2:02 p.m., the jury enters the courtroom. Counsel stipulate to the presence of all eight members of the jury.

DEES v. BILLY, M.D.
Case No. 3:02-cv-00303-HDM-WGC

May 17, 2012
Page 3 of 3

The Court addresses a jury note indicating the jury has reached a verdict.

The foreperson confirms a verdict has been reached. The verdict is published by the Courtroom Clerk.

The jurors are thanked for their service and excused from Federal jury duty for a period of two years.

IT IS ORDERED, Judgment is entered as follows:

Judgment is entered in favor of the Defendant and against the Plaintiff.

IT IS SO ORDERED.

The Court recites closing comments.

At 2:11 p.m., the Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Paris Rich
Deputy Clerk